

**AGENDA ITEM #**  
November 7, 2003

To: Delta Protection Commission

From: Margit Aramburu, Executive Director

Subject: Recommendations to Senator Machado and Assemblymember Wolk on  
the Future of the Delta Protection Commission  
*(For Public Hearing and Possible Commission Action)*

**Staff Recommendation:**

Review attached staff report, report from Secretary Chrisman, minutes from November 2003 Commission meeting, accept public comments, and direct staff to prepare and submit a letter to Delta Legislators and Secretary Chrisman summarizing Commission recommendations on the future of the Commission.

**Background:**

The Commission has been studied and discussed by others and by its membership throughout most of 2003, including a Special Committee that met several times, Committee Meeting in October attended by several Commissioners, and a hearing on the Commission held before the Senate Select Committee on Delta Resources on November 11, 2003. The discussion was stimulated by the State's budgetary shortfalls and creation of a new state agency--the California Bay-Delta Authority.

**Staff Recommendation:**

The Commission should review the following summary of comments and determine which comments to include in a letter to the Delta legislators.

**Actions and Issues Discussed by the Commission:**

- **The Commission should continue as an independent State agency.**
- 1. All Commissioners and others agreed the Commission has not been made redundant and should continue due to continuing urban growth around the Delta and impacts to the Primary Zone and its resources.

- **The Boundary of the Primary Zone should be maintained.**

1. All agreed the boundary of the Primary Zone should be maintained.
2. The Commission should be directed to re-examine the boundary of the Legal Delta (for example, should the City of Rio Vista be included), keeping in mind the delineation between the urbanized and the undeveloped areas in the Secondary Zone and make a recommendation to the Legislature.
3. The Commission should be directed to study and recommend an appropriate "buffer" between urban development and the Primary Zone. The Commission should develop maps showing the changes in land use in and around the Legal Delta over the last ten years, and areas where land use has been permanently protected (easements, etc.). The Commission should evaluate the appropriate location and land uses within the buffer area on a parcel by parcel basis. The Commission should evaluate the creation of three zones: a "protected" zone, a "buffer" zone, and a "developed" zone to protect the resources of the Primary Zone.

- **Membership:**

1. The Commission and others agreed that the current membership has worked well and has reflected, and continues to reflect, the breadth of interests and issues in and around the Delta.
2. The Commission suggested that membership could be increased to include new landowners in light of the changes in Delta land ownership over the last ten years (7 percent of the Delta was in public and nonprofit ownership in 1993; that has increased to 17 percent in 2003).
3. The Commission recommended that new seats/members should be committed to protecting all the valuable resources of the Delta, rather than represent one point of view or issue of concern.

- **Role for the Commission in the Delta region in the future:**

**The Commission should *continue* doing the following:**

1. Serve as a forum for discussion of issues and projects in the Delta.
2. Provide a central location for residents to obtain information and express their opinion about Delta issues.

3. Encourage and assist local landowners applying for funding for projects that implement CALFED goals on private lands.
4. Support the creation of new organizations and/or "tools" to support the agricultural economy and community in the Delta.
5. Support partnerships and coalitions to implement regional goals and activities
6. Support integration of single-purpose agencies/programs for protection and enhancement of Delta resources. Example: enhance water quality to promote water use efficiency in agriculture.
7. Study and map existing and proposed land uses in areas near the boundary of the Delta Primary Zone.
8. Work with American Farmland Trust to obtain funding for the study of Delta agriculture.
9. Work with Department of Boating and Waterways to obtain funding for the study of Delta Recreation.

**The Commission should undertake the following *new* activities that may require additional funding:**

1. Provide advice to local governments on projects in the Secondary Zone.
2. Comment on projects in the Secondary Zone that might have a negative impact on Delta resources.
3. Appoint advisory boards to advise local governments on Secondary Zone projects.
4. Propose a Memorandum of Understanding between the Commission and State agencies regarding commits to conform to the Commission's Plan.
5. Propose a Memorandum of Understanding between the Commission and California Bay Delta member agencies to reduce conflict between the CALFED Record of Decision, the Delta Regional Ecosystem Restoration Implementation Plan, and the Commission's Plan.
6. Participate in more regional planning programs, such as those currently being undertaken by ABAG and SACOG.
7. Appoint task forces to develop broader input and discussion of specific issues.
8. Sponsor a "State of the Delta" study and/or conference to educate the public and local elected officials on Delta issues with California Bay-Delta Authority.

9. Develop indicators to evaluate "health of the Delta".
10. Develop best management practices to enhance compatibility of Delta agriculture and wildlife habitat.
11. Convene a Delta Agricultural Meeting /Summit with land trusts to discuss what is being done on the edges of the Delta to protect the Primary Zone, and to evaluate tools and mitigation strategies to incorporate into a Delta buffer.
12. Provide outreach and seek involvement from other groups and establish a Delta Alliance--a list of non-profit groups--to broaden input on various issues.
13. Conduct a joint meeting with the Reclamation Board to discuss flood control and levee issues that affect the entire Legal Delta.
14. Adopt a position opposing expansion of City Spheres of Influence in or into the Primary Zone.
15. Draft and seek support of a Memorandum of Understanding between the State agencies on the Commission and the Commission committing to implementing the Commission's Plan.

**Actions that would require *new legislative authority or additional funding*:**

1. Require those actions and acquisitions funded by grants of State funds conform to the Commission's adopted Plan.
2. Review and update of the Land Use and Resource Management Plan for the Primary Zone of the Delta.
3. Move from planning and reporting duties to implementation actions to protect Delta Primary Zone resources.
4. Require projects and acquisitions that would change land use in the Primary Zone to conform to the Commission's adopted Plan.
5. Implement a permanent easement program to preserve agriculture on the most productive farmlands in the Primary Zone.
6. Evaluate acquiring easements in the Secondary Zone to provide long-term protection of the Primary Zone
7. Evaluate development of a "mitigation bank" in the Primary Zone to offset impacts of development in the Secondary Zone.

8. Work with existing organizations such as land trusts to minimize cost of overseeing easement lands.
9. Coordinate the activities of State and federal resource agencies implementing programs in the Delta, and serve as a intermediary between these entities and the public.
10. Explore becoming a “responsible agency” under CEQA.
11. Study increased authority over water tables and the water system overall in the Legal Delta.
12. Study an increased role in State/CALFED Bay-Delta Authority **levee program** to ensure balance and protection of resources in Delta.

- **Budget--Amount and Source:**

1. Some fiscal support from the various interests on the Commission would be appropriate, recognizing that local governments are undergoing severe economic hardships, however, the major share of funding should continue to come from the State.
2. Report to the Legislature on other possible sources of funds including mitigation fees collected by local governments for development in Secondary Zone or user fees collected by CALFED from water exporters and passed on to the Commission.
3. Seek specific delineation of funding in future State bond acts to implement open space, habitat, and agricultural protection programs in the Delta.
4. Seek federal dollars from appropriate resource protection, flood control, or agriculture program funds.